

1                                   A bill to be entitled  
 2           An act relating to Florida Forever; amending s.  
 3           259.105, F.S.; revising the distribution amounts from  
 4           the Florida Forever Trust Fund; eliminating or  
 5           consolidating distributions to certain programs;  
 6           amending s. 375.041, F.S.; prioritizing funds to  
 7           acquire conservation land interests under the Florida  
 8           Forever Program; amending ss. 253.034, 259.035,  
 9           380.510, 570.715 F.S.; providing conforming changes;  
 10          providing an effective date.

11

12 Be It Enacted by the Legislature of the State of Florida:

13

14           Section 1. Paragraph (a) of subsection (2), subsections  
 15           (3) and (4), paragraph (a) of subsection (7), and subsections  
 16           (11), (12), and (16) of section 259.105, Florida Statutes, are  
 17           amended to read:

18           259.105 The Florida Forever Act.—

19           (2) (a) The Legislature finds and declares that:

20           1. Land acquisition programs have provided tremendous  
 21           financial resources for purchasing environmentally significant  
 22           lands to protect those lands from imminent development or  
 23           alteration, thereby ensuring present and future generations'  
 24           access to important waterways, open spaces, and recreation and  
 25           conservation lands.

26 |           2. The continued alteration and development of the state's  
27 | natural and rural areas to accommodate the state's growing  
28 | population have contributed to the degradation of water  
29 | resources, the fragmentation and destruction of wildlife  
30 | habitats, the loss of outdoor recreation space, and the  
31 | diminishment of wetlands, forests, working landscapes, and  
32 | coastal open space.

33 |           3. The potential development of the state's remaining  
34 | natural areas and escalation of land values require government  
35 | efforts to restore, bring under public protection, or acquire  
36 | lands and water areas to preserve the state's essential  
37 | ecological functions and invaluable quality of life.

38 |           4. It is essential to protect the state's ecosystems by  
39 | promoting a more efficient use of land, to ensure opportunities  
40 | for viable agricultural activities on working lands, and to  
41 | promote vital rural and urban communities that support and  
42 | produce development patterns consistent with natural resource  
43 | protection.

44 |           5. The state's groundwater, surface waters, and springs  
45 | are under tremendous pressure due to population growth and  
46 | economic expansion and require special protection and  
47 | restoration efforts, including the protection of uplands and  
48 | springsheds that provide vital recharge to aquifer systems and  
49 | are critical to the protection of water quality and water  
50 | quantity of the aquifers and springs. To ensure that sufficient

51 quantities of water are available to meet the current and future  
52 needs of the natural systems and citizens of the state, and  
53 assist in achieving the planning goals of the department and the  
54 water management districts, water resource development projects  
55 on public lands, if compatible with the resource values of and  
56 management objectives for the lands, are appropriate.

57 6. The needs of urban, suburban, and small communities in  
58 the state for high-quality outdoor recreational opportunities,  
59 greenways, trails, and open space have not been fully met by  
60 previous acquisition programs. Through such programs as the  
61 Florida Communities Trust ~~and the Florida Recreation Development~~  
62 ~~Assistance Program~~, the state shall place additional emphasis on  
63 acquiring, protecting, preserving, and restoring open space,  
64 ecological greenways, and recreation properties within urban,  
65 suburban, and rural areas where pristine natural communities or  
66 water bodies no longer exist because of the proximity of  
67 developed property.

68 7. Many of the state's unique ecosystems, such as the  
69 Florida Everglades, are facing ecological collapse due to the  
70 state's burgeoning population growth and other economic  
71 activities. To preserve these valuable ecosystems for future  
72 generations, essential parcels of land must be acquired to  
73 facilitate ecosystem restoration.

74 8. Access to public lands to support a broad range of  
75 outdoor recreational opportunities and the development of

76 necessary infrastructure, if compatible with the resource values  
77 of and management objectives for such lands, promotes an  
78 appreciation for the state's natural assets and improves the  
79 quality of life.

80 9. Acquisition of lands, in fee simple, less than fee  
81 interest, or other techniques shall be based on a comprehensive  
82 science-based assessment of the state's natural resources which  
83 targets essential conservation lands by prioritizing all current  
84 and future acquisitions based on a uniform set of data and  
85 planned so as to protect the integrity and function of  
86 ecological systems and working landscapes, and provide multiple  
87 benefits, including preservation of fish and wildlife habitat,  
88 recreation space for urban and rural areas, and the restoration  
89 of natural water storage, flow, and recharge.

90 10. The state has embraced performance-based program  
91 budgeting as a tool to evaluate the achievements of publicly  
92 funded agencies, build in accountability, and reward those  
93 agencies which are able to consistently achieve quantifiable  
94 goals. While previous and existing state environmental programs  
95 have achieved varying degrees of success, few of these programs  
96 can be evaluated as to the extent of their achievements,  
97 primarily because performance measures, standards, outcomes, and  
98 goals were not established at the outset. Therefore, the Florida  
99 Forever program shall be developed and implemented in the  
100 context of measurable state goals and objectives.

101           11. The state must play a major role in the recovery and  
102 management of its imperiled species through the acquisition,  
103 restoration, enhancement, and management of ecosystems that can  
104 support the major life functions of such species. It is the  
105 intent of the Legislature to support local, state, and federal  
106 programs that result in net benefit to imperiled species habitat  
107 by providing public and private land owners meaningful  
108 incentives for acquiring, restoring, managing, and repopulating  
109 habitats for imperiled species. It is the further intent of the  
110 Legislature that public lands, both existing and to be acquired,  
111 identified by the lead land managing agency, in consultation  
112 with the Fish and Wildlife Conservation Commission for animals  
113 or the Department of Agriculture and Consumer Services for  
114 plants, as habitat or potentially restorable habitat for  
115 imperiled species, be restored, enhanced, managed, and  
116 repopulated as habitat for such species to advance the goals and  
117 objectives of imperiled species management for conservation,  
118 recreation, or both, consistent with the land management plan  
119 without restricting other uses identified in the management  
120 plan. It is also the intent of the Legislature that of the  
121 proceeds distributed pursuant to subsection (3), additional  
122 consideration be given to acquisitions that achieve a  
123 combination of conservation goals, including the restoration,  
124 enhancement, management, or repopulation of habitat for  
125 imperiled species. The council, in addition to the criteria in

126 subsection (9), shall give weight to projects that include  
127 acquisition, restoration, management, or repopulation of habitat  
128 for imperiled species. The term "imperiled species" as used in  
129 this chapter and chapter 253, means plants and animals that are  
130 federally listed under the Endangered Species Act, or state-  
131 listed by the Fish and Wildlife Conservation Commission or the  
132 Department of Agriculture and Consumer Services. As part of the  
133 state's role, all state lands that have imperiled species  
134 habitat shall include as a consideration in management plan  
135 development the restoration, enhancement, management, and  
136 repopulation of such habitats. In addition, the lead land  
137 managing agency of such state lands may use fees received from  
138 public or private entities for projects to offset adverse  
139 impacts to imperiled species or their habitat in order to  
140 restore, enhance, manage, repopulate, or acquire land and to  
141 implement land management plans developed under s. 253.034 or a  
142 land management prospectus developed and implemented under this  
143 chapter. Such fees shall be deposited into a foundation or fund  
144 created by each land management agency under s. 379.223, s.  
145 589.012, or s. 259.032(9)(c), to be used solely to restore,  
146 manage, enhance, repopulate, or acquire imperiled species  
147 habitat.

148 12. There is a need to change the focus and direction of  
149 the state's major land acquisition programs and to extend  
150 funding and bonding capabilities, so that future generations may

151 enjoy the natural resources of this state.

152 (3) Less the costs of issuing and the costs of funding  
153 reserve accounts and other costs associated with bonds, the  
154 proceeds of cash payments or bonds issued pursuant to this  
155 section shall be deposited into the Florida Forever Trust Fund  
156 created by s. 259.1051. The proceeds shall be distributed by the  
157 Department of Environmental Protection in the following manner:

158 ~~(a) Thirty percent to the Department of Environmental~~  
159 ~~Protection for the acquisition of lands and capital project~~  
160 ~~expenditures necessary to implement the water management~~  
161 ~~districts' priority lists developed pursuant to s. 373.199. The~~  
162 ~~funds are to be distributed to the water management districts as~~  
163 ~~provided in subsection (11). A minimum of 50 percent of the~~  
164 ~~total funds provided over the life of the Florida Forever~~  
165 ~~program pursuant to this paragraph shall be used for the~~  
166 ~~acquisition of lands.~~

167 (a)(b) Thirty-five percent to the Department of  
168 Environmental Protection for the acquisition of lands ~~and~~  
169 ~~capital project expenditures~~ described in this section. Of the  
170 proceeds distributed pursuant to this paragraph, it is the  
171 intent of the Legislature that an increased priority be given to  
172 those acquisitions that ~~which~~ achieve a combination of  
173 conservation goals, including protecting Florida's water  
174 resources and natural groundwater recharge. ~~At a minimum, 3~~  
175 ~~percent, and no more than 10 percent, of the funds allocated~~

176 ~~pursuant to this paragraph shall be spent on capital project~~  
 177 ~~expenditures identified during the time of acquisition which~~  
 178 ~~meet land management planning activities necessary for public~~  
 179 ~~access.~~ Beginning in the 2017-2018 fiscal year and continuing  
 180 through the 2026-2027 fiscal year, at least \$5 million of the  
 181 funds allocated pursuant to this paragraph shall be spent on  
 182 land acquisition within the Florida Keys Area of Critical State  
 183 Concern as authorized pursuant to s. 259.045.

184 ~~(b)-(e)~~ Twenty-five ~~Twenty-one~~ percent to the Department of  
 185 Environmental Protection for use by the Florida Communities  
 186 Trust for the purposes of part III of chapter 380, including the  
 187 Stan Mayfield Working Waterfronts Program pursuant to s.  
 188 380.5105, as described and limited by this subsection, and  
 189 grants to local governments or nonprofit environmental  
 190 organizations that are tax-exempt under s. 501(c)(3) of the  
 191 United States Internal Revenue Code for the acquisition of  
 192 community-based projects, urban open spaces, parks, and  
 193 greenways to implement local government comprehensive plans.  
 194 From funds available to the trust and used for land acquisition,  
 195 75 percent shall be matched by local governments on a dollar-  
 196 for-dollar basis. ~~The Legislature intends that the Florida~~  
 197 ~~Communities Trust emphasize funding projects in low-income or~~  
 198 ~~otherwise disadvantaged communities and projects that provide~~  
 199 ~~areas for direct water access and water-dependent facilities~~  
 200 ~~that are open to the public and offer public access by vessels~~

201 ~~to waters of the state, including boat ramps and associated~~  
202 ~~parking and other support facilities. At least 30 percent of the~~  
203 ~~total allocation provided to the trust shall be used in Standard~~  
204 ~~Metropolitan Statistical Areas, but one-half of that amount~~  
205 ~~shall be used in localities in which the project site is located~~  
206 ~~in built-up commercial, industrial, or mixed-use areas and~~  
207 ~~functions to intersperse open spaces within congested urban core~~  
208 ~~areas. From funds allocated to the trust, no less than 5 percent~~  
209 ~~shall be used to acquire lands for recreational trail systems,~~  
210 ~~provided that in the event these funds are not needed for such~~  
211 ~~projects, they will be available for other trust projects. Local~~  
212 ~~governments may use federal grants or loans, private donations,~~  
213 ~~or environmental mitigation funds for any part or all of any~~  
214 ~~local match required for acquisitions funded through the Florida~~  
215 ~~Communities Trust. Any lands purchased by nonprofit~~  
216 ~~organizations using funds allocated under this paragraph must~~  
217 ~~provide for such lands to remain permanently in public use~~  
218 ~~through a reversion of title to local or state government,~~  
219 ~~conservation easement, or other appropriate mechanism. Projects~~  
220 ~~funded with funds allocated to the trust shall be selected in a~~  
221 ~~competitive process measured against criteria adopted in rule by~~  
222 ~~the trust.~~

223 ~~(d) Two percent to the Department of Environmental~~  
224 ~~Protection for grants pursuant to s. 375.075.~~

225 ~~(e) One and five-tenths percent to the Department of~~

226 ~~Environmental Protection for the purchase of inholdings and~~  
227 ~~additions to state parks and for capital project expenditures as~~  
228 ~~described in this section. At a minimum, 1 percent, and no more~~  
229 ~~than 10 percent, of the funds allocated pursuant to this~~  
230 ~~paragraph shall be spent on capital project expenditures~~  
231 ~~identified during the time of acquisition which meet land~~  
232 ~~management planning activities necessary for public access. For~~  
233 ~~the purposes of this paragraph, "state park" means any real~~  
234 ~~property in the state which is under the jurisdiction of the~~  
235 ~~Division of Recreation and Parks of the department, or which may~~  
236 ~~come under its jurisdiction.~~

237 ~~(f) One and five-tenths percent to the Florida Forest~~  
238 ~~Service of the Department of Agriculture and Consumer Services~~  
239 ~~to fund the acquisition of state forest inholdings and additions~~  
240 ~~pursuant to s. 589.07, the implementation of reforestation plans~~  
241 ~~or sustainable forestry management practices, and for capital~~  
242 ~~project expenditures as described in this section. At a minimum,~~  
243 ~~1 percent, and no more than 10 percent, of the funds allocated~~  
244 ~~for the acquisition of inholdings and additions pursuant to this~~  
245 ~~paragraph shall be spent on capital project expenditures~~  
246 ~~identified during the time of acquisition which meet land~~  
247 ~~management planning activities necessary for public access.~~

248 ~~(g) One and five-tenths percent to the Fish and Wildlife~~  
249 ~~Conservation Commission to fund the acquisition of inholdings~~  
250 ~~and additions to lands managed by the commission which are~~

251 ~~important to the conservation of fish and wildlife and for~~  
252 ~~capital project expenditures as described in this section. At a~~  
253 ~~minimum, 1 percent, and no more than 10 percent, of the funds~~  
254 ~~allocated pursuant to this paragraph shall be spent on capital~~  
255 ~~project expenditures identified during the time of acquisition~~  
256 ~~which meet land management planning activities necessary for~~  
257 ~~public access.~~

258 ~~(h) One and five-tenths percent to the Department of~~  
259 ~~Environmental Protection for the Florida Greenways and Trails~~  
260 ~~Program, to acquire greenways and trails or greenways and trail~~  
261 ~~systems pursuant to chapter 260, including, but not limited to,~~  
262 ~~abandoned railroad rights-of-way and the Florida National Scenic~~  
263 ~~Trail and for capital project expenditures as described in this~~  
264 ~~section. At a minimum, 1 percent, and no more than 10 percent,~~  
265 ~~of the funds allocated pursuant to this paragraph shall be spent~~  
266 ~~on capital project expenditures identified during the time of~~  
267 ~~acquisition which meet land management planning activities~~  
268 ~~necessary for public access.~~

269 ~~(c)(i)~~ Forty Three and five-tenths percent to the  
270 Department of Agriculture and Consumer Services for the  
271 acquisition of agricultural lands, through perpetual  
272 conservation easements and other perpetual less than fee  
273 techniques, which will achieve the objectives of Florida Forever  
274 and s. 570.71. Rules concerning the application, acquisition,  
275 and priority ranking process for such easements shall be

276 developed pursuant to s. 570.71(10) and as provided by this  
 277 paragraph. The board shall ensure that such rules are consistent  
 278 with the acquisition process provided for in s. 570.715. The  
 279 rules developed pursuant to s. 570.71(10), shall also provide  
 280 for the following:

281 1. An annual priority list shall be developed pursuant to  
 282 s. 570.71(10), submitted to the council for review, and approved  
 283 by the board pursuant to s. 259.04.

284 2. Terms of easements and acquisitions proposed pursuant  
 285 to this paragraph shall be approved by the board and may not be  
 286 delegated by the board to any other entity receiving funds under  
 287 this section.

288 3. All acquisitions pursuant to this paragraph shall  
 289 contain a clear statement that they are subject to legislative  
 290 appropriation.

291  
 292 ~~Funds provided under this paragraph may not be expended until~~  
 293 ~~final adoption of rules by the board pursuant to s. 570.71.~~

294 ~~(j) Two and five-tenths percent to the Department of~~  
 295 ~~Environmental Protection for the acquisition of land and capital~~  
 296 ~~project expenditures necessary to implement the Stan Mayfield~~  
 297 ~~Working Waterfronts Program within the Florida Communities Trust~~  
 298 ~~pursuant to s. 380.5105.~~

299 (d) ~~(k)~~ It is the intent of the Legislature that cash  
 300 payments or proceeds of Florida Forever bonds distributed under

301 | this section shall be expended in an efficient and fiscally  
 302 | responsible manner. An agency that receives proceeds from  
 303 | Florida Forever bonds under this section may not maintain a  
 304 | balance of unencumbered funds in its Florida Forever subaccount  
 305 | beyond 3 fiscal years from the date of deposit of funds from  
 306 | each bond issue. Any funds that have not been expended or  
 307 | encumbered after 3 fiscal years from the date of deposit shall  
 308 | be distributed by the Legislature at its next regular session  
 309 | for use in the Florida Forever program.

310 |       ~~(1) For the purposes of paragraphs (e), (f), (g), and (h),~~  
 311 | ~~the agencies that receive the funds shall develop their~~  
 312 | ~~individual acquisition or restoration lists in accordance with~~  
 313 | ~~specific criteria and numeric performance measures developed~~  
 314 | ~~pursuant to s. 259.035(4). Proposed additions may be acquired if~~  
 315 | ~~they are identified within the original project boundary, the~~  
 316 | ~~management plan required pursuant to s. 253.034(5), or the~~  
 317 | ~~management prospectus required pursuant to s. 259.032(7)(c).~~  
 318 | ~~Proposed additions not meeting the requirements of this~~  
 319 | ~~paragraph shall be submitted to the council for approval. The~~  
 320 | ~~council may only approve the proposed addition if it meets two~~  
 321 | ~~or more of the following criteria: serves as a link or corridor~~  
 322 | ~~to other publicly owned property; enhances the protection or~~  
 323 | ~~management of the property; would add a desirable resource to~~  
 324 | ~~the property; would create a more manageable boundary~~  
 325 | ~~configuration; has a high resource value that otherwise would be~~

326 ~~unprotected; or can be acquired at less than fair market value.~~

327 ~~(m) Notwithstanding paragraphs (a) (j) and for the 2016-~~  
 328 ~~2017 fiscal year only:~~

329 ~~1. The amount of \$15,156,206 to only the Division of State~~  
 330 ~~Lands within the Department of Environmental Protection for the~~  
 331 ~~Board of Trustees Florida Forever Priority List land acquisition~~  
 332 ~~projects.~~

333 ~~2. Thirty five million dollars to the Department of~~  
 334 ~~Agriculture and Consumer Services for the acquisition of~~  
 335 ~~agricultural lands through perpetual conservation easements and~~  
 336 ~~other perpetual less than fee techniques, which will achieve the~~  
 337 ~~objectives of Florida Forever and s. 570.71.~~

338 ~~3.a. Notwithstanding any allocation required pursuant to~~  
 339 ~~paragraph (c), \$10 million shall be allocated to the Florida~~  
 340 ~~Communities Trust for projects acquiring conservation or~~  
 341 ~~recreation lands to enhance recreational opportunities for~~  
 342 ~~individuals with unique abilities.~~

343 ~~b. The Department of Environmental Protection may waive~~  
 344 ~~the local government matching fund requirement of paragraph (c)~~  
 345 ~~for projects acquiring conservation or recreation lands to~~  
 346 ~~enhance recreational opportunities for individuals with unique~~  
 347 ~~abilities.~~

348 ~~e. Notwithstanding sub-subparagraphs a. and b., any funds~~  
 349 ~~required to be used to acquire conservation or recreation lands~~  
 350 ~~to enhance recreational opportunities for individuals with~~

351 ~~unique abilities which have not been awarded for those purposes~~  
352 ~~by May 1, 2017, may be awarded to redevelop or renew outdoor~~  
353 ~~recreational facilities on public lands, including recreational~~  
354 ~~trails, parks, and urban open spaces, together with improvements~~  
355 ~~required to enhance recreational enjoyment and public access to~~  
356 ~~public lands, if such redevelopment and renewal is primarily~~  
357 ~~geared toward enhancing recreational opportunities for~~  
358 ~~individuals with unique abilities. The department may waive the~~  
359 ~~local matching requirement of paragraph (c) for such~~  
360 ~~redevelopment and renewal projects.~~

361

362 ~~This paragraph expires July 1, 2017.~~

363 (4) It is the intent of the Legislature that projects or  
364 acquisitions funded pursuant to paragraph ~~paragraphs~~ (3) (a) and  
365 ~~(b)~~ contribute to the achievement of the following goals, which  
366 shall be evaluated in accordance with specific criteria and  
367 numeric performance measures developed pursuant to s.  
368 259.035 (4):

369 (a) Enhance the coordination and completion of land  
370 acquisition projects, as measured by:

371 1. The number of acres acquired through the state's land  
372 acquisition programs that contribute to the enhancement of  
373 essential natural resources, ecosystem service parcels, and  
374 connecting linkage corridors as identified and developed by the  
375 best available scientific analysis;

376           2. The number of acres protected through the use of  
 377 alternatives to fee simple acquisition; or

378           3. The number of shared acquisition projects among Florida  
 379 Forever funding partners and partners with other funding  
 380 sources, including local governments and the Federal Government.

381           (b) Increase the protection of Florida's biodiversity at  
 382 the species, natural community, and landscape levels, as  
 383 measured by:

384           1. The number of acres acquired of significant strategic  
 385 habitat conservation areas;

386           2. The number of acres acquired of highest priority  
 387 conservation areas for Florida's rarest species;

388           3. The number of acres acquired of significant landscapes,  
 389 landscape linkages, and conservation corridors, giving priority  
 390 to completing linkages;

391           4. The number of acres acquired of underrepresented native  
 392 ecosystems;

393           5. The number of landscape-sized protection areas of at  
 394 least 50,000 acres that exhibit a mosaic of predominantly intact  
 395 or restorable natural communities established through new  
 396 acquisition projects or augmentations to previous projects; or

397           6. The percentage increase in the number of occurrences of  
 398 imperiled species on publicly managed conservation areas.

399           (c) Protect, restore, and maintain the quality and natural  
 400 functions of land, water, and wetland systems of the state, as

401 measured by:

402 1. The number of acres of publicly owned land identified  
 403 as needing restoration, enhancement, and management, acres  
 404 undergoing restoration or enhancement, acres with restoration  
 405 activities completed, and acres managed to maintain such  
 406 restored or enhanced conditions; the number of acres which  
 407 represent actual or potential imperiled species habitat; the  
 408 number of acres which are available pursuant to a management  
 409 plan to restore, enhance, repopulate, and manage imperiled  
 410 species habitat; and the number of acres of imperiled species  
 411 habitat managed, restored, enhanced, repopulated, or acquired;

412 2. The percentage of water segments that fully meet,  
 413 partially meet, or do not meet their designated uses as reported  
 414 in the Department of Environmental Protection's State Water  
 415 Quality Assessment 305(b) Report;

416 3. The percentage completion of targeted capital  
 417 improvements in surface water improvement and management plans  
 418 created under s. 373.453(2), regional or master stormwater  
 419 management system plans, or other adopted restoration plans;

420 4. The number of acres acquired that protect natural  
 421 floodplain functions;

422 5. The number of acres acquired that protect surface  
 423 waters of the state;

424 6. The number of acres identified for acquisition to  
 425 minimize damage from flooding and the percentage of those acres

426 | acquired;

427 |       7. The number of acres acquired that protect fragile  
428 | coastal resources;

429 |       8. The number of acres of functional wetland systems  
430 | protected;

431 |       9. The percentage of miles of critically eroding beaches  
432 | contiguous with public lands that are restored or protected from  
433 | further erosion;

434 |       10. The percentage of public lakes and rivers in which  
435 | invasive, nonnative aquatic plants are under maintenance  
436 | control; or

437 |       11. The number of acres of public conservation lands in  
438 | which upland invasive, exotic plants are under maintenance  
439 | control.

440 |       (d) Ensure that sufficient quantities of water are  
441 | available to meet the current and future needs of natural  
442 | systems and the citizens of the state, as measured by:

443 |           1. The number of acres acquired which provide retention  
444 | and storage of surface water in naturally occurring storage  
445 | areas, such as lakes and wetlands, consistent with the  
446 | maintenance of water resources or water supplies and consistent  
447 | with district water supply plans;

448 |           2. The quantity of water made available through the water  
449 | resource development component of a district water supply plan  
450 | for which a water management district is responsible; or

451           3. The number of acres acquired of groundwater recharge  
 452 areas critical to springs, sinks, aquifers, other natural  
 453 systems, or water supply.

454           (e) Increase natural resource-based public recreational  
 455 and educational opportunities, as measured by:

456           1. The number of acres acquired that are available for  
 457 natural resource-based public recreation or education;

458           2. The miles of trails that are available for public  
 459 recreation, giving priority to those that provide significant  
 460 connections including those that will assist in completing the  
 461 Florida National Scenic Trail; or

462           3. The number of new resource-based recreation facilities,  
 463 by type, made available on public land.

464           (f) Preserve significant archaeological or historic sites,  
 465 as measured by:

466           1. The increase in the number of and percentage of  
 467 historic and archaeological properties listed in the Florida  
 468 Master Site File or National Register of Historic Places which  
 469 are protected or preserved for public use; or

470           2. The increase in the number and percentage of historic  
 471 and archaeological properties that are in state ownership.

472           (g) Increase the amount of forestland available for  
 473 sustainable management of natural resources, as measured by:

474           1. The number of acres acquired that are available for  
 475 sustainable forest management;

476           2. The number of acres of state-owned forestland managed  
 477 for economic return in accordance with current best management  
 478 practices;

479           3. The number of acres of forestland acquired that will  
 480 serve to maintain natural groundwater recharge functions; or

481           4. The percentage and number of acres identified for  
 482 restoration actually restored by reforestation.

483           (h) Increase the amount of open space available in urban  
 484 areas, as measured by:

485           1. The percentage of local governments that participate in  
 486 land acquisition programs and acquire open space in urban cores;  
 487 or

488           2. The percentage and number of acres of purchases of open  
 489 space within urban service areas.

490  
 491 Florida Forever projects and acquisitions funded pursuant to  
 492 paragraph (3) (b) ~~(3) (c)~~ shall be measured by goals developed by  
 493 rule by the Florida Communities Trust Governing Board created in  
 494 s. 380.504.

495           (7) (a) Beginning no later than July 1, 2001, and every  
 496 year thereafter, the Acquisition and Restoration Council shall  
 497 accept applications from state agencies, local governments,  
 498 nonprofit and for-profit organizations, private land trusts, and  
 499 individuals for project proposals eligible for funding pursuant  
 500 to paragraph (3) (a) ~~(3) (b)~~. The council shall evaluate the

501 proposals received pursuant to this subsection to ensure that  
 502 they meet at least one of the criteria under subsection (9).

503 ~~(11) For the purposes of funding projects pursuant to~~  
 504 ~~paragraph (3) (a), the Secretary of Environmental Protection~~  
 505 ~~shall ensure that each water management district receives the~~  
 506 ~~following percentage of funds annually:~~

507 ~~(a) Thirty five percent to the South Florida Water~~  
 508 ~~Management District, of which amount \$25 million for 2 years~~  
 509 ~~beginning in fiscal year 2000-2001 shall be transferred by the~~  
 510 ~~Department of Environmental Protection into the Save Our~~  
 511 ~~Everglades Trust Fund and shall be used exclusively to implement~~  
 512 ~~the comprehensive plan under s. 373.470.~~

513 ~~(b) Twenty five percent to the Southwest Florida Water~~  
 514 ~~Management District.~~

515 ~~(c) Twenty five percent to the St. Johns River Water~~  
 516 ~~Management District.~~

517 ~~(d) Seven and one-half percent to the Suwannee River Water~~  
 518 ~~Management District.~~

519 ~~(e) Seven and one-half percent to the Northwest Florida~~  
 520 ~~Water Management District.~~

521 ~~(12) It is the intent of the Legislature that in~~  
 522 ~~developing the list of projects for funding pursuant to~~  
 523 ~~paragraph (3) (a), that these funds not be used to abrogate the~~  
 524 ~~financial responsibility of those point and nonpoint sources~~  
 525 ~~that have contributed to the degradation of water or land areas.~~

526 ~~Therefore, an increased priority shall be given by the water~~  
 527 ~~management district governing boards to those projects that have~~  
 528 ~~secured a cost-sharing agreement allocating responsibility for~~  
 529 ~~the cleanup of point and nonpoint sources.~~

530 (14)~~(16)~~ All proposals for projects pursuant to paragraph  
 531 (3) (a) ~~(3) (b)~~ shall be implemented only if adopted by the  
 532 Acquisition and Restoration Council and approved by the board of  
 533 trustees. The council shall consider and evaluate in writing the  
 534 merits and demerits of each project that is proposed for Florida  
 535 Forever funding. The council shall ensure that each proposed  
 536 project will meet a stated public purpose for the restoration,  
 537 conservation, or preservation of environmentally sensitive lands  
 538 and water areas or for providing outdoor recreational  
 539 opportunities. The council also shall determine whether the  
 540 project or addition conforms, where applicable, with the  
 541 comprehensive plan developed pursuant to s. 259.04(1) (a), the  
 542 comprehensive multipurpose outdoor recreation plan developed  
 543 pursuant to s. 375.021, the state lands management plan adopted  
 544 pursuant to s. 253.03(7), the water resources work plans  
 545 developed pursuant to s. 373.199, and the provisions of this  
 546 section.

547 Section 2. Subsection (4) of section 375.041, Florida  
 548 Statutes, is amended to read:

549 375.041 Land Acquisition Trust Fund.—

550 (4) Any remaining moneys in the Land Acquisition Trust

551 Fund ~~that which~~ are not distributed as provided in subsection  
552 (3) may be appropriated from time to time for the purposes set  
553 forth in s. 28, Art. X of the State Constitution. Priority shall  
554 be given to the acquisition of conservation land interests as  
555 set forth under the Florida Forever Act and its funding  
556 distribution as set forth in s. 259.105(3).

557 Section 3. Subsection (3) of section 253.034, Florida  
558 Statutes, is amended to read:

559 253.034 State-owned lands; uses.—

560 (3) Recognizing that recreational trails purchased with  
561 rails-to-trails funds pursuant to former s. 259.101(3)(g),  
562 Florida Statutes 2014, or former s. 259.105(3)(h), Florida  
563 Statute 2016, have had historic transportation uses and that  
564 their linear character may extend many miles, the Legislature  
565 intends that if the necessity arises to serve public needs,  
566 after balancing the need to protect trail users from collisions  
567 with automobiles and a preference for the use of overpasses and  
568 underpasses to the greatest extent feasible and practical,  
569 transportation uses shall be allowed to cross recreational  
570 trails purchased pursuant to former s. 259.101(3)(g), Florida  
571 Statutes 2014, or former s. 259.105(3)(h), Florida Statute 2016.  
572 When these crossings are needed, the location and design should  
573 consider and mitigate the impact on humans and environmental  
574 resources, and the value of the land shall be paid based on fair  
575 market value.

576 Section 4. Subsections (3) and (6) of section 259.035,  
 577 Florida Statutes, are amended to read:

578 259.035 Acquisition and Restoration Council.—

579 (3) The council shall provide assistance to the board in  
 580 reviewing the recommendations and plans for state-owned  
 581 conservation lands required under s. 253.034 and this chapter.  
 582 The council shall, in reviewing such plans, consider the  
 583 optimization of multiple-use and conservation strategies to  
 584 accomplish the provisions funded pursuant to former s.  
 585 259.101(3)(a), Florida Statutes 2014, and to s. 259.105(3)(a)  
 586 ~~259.105(3)(b)~~.

587 (6) The proposal for a project pursuant to this section or  
 588 s. 259.105(3)(a) ~~259.105(3)(b)~~ may be implemented only if  
 589 adopted by the council and approved by the board of trustees.  
 590 The council shall consider and evaluate in writing the merits  
 591 and demerits of each project that is proposed for acquisition  
 592 using funds available pursuant to s. 28, Art. X of the State  
 593 Constitution or Florida Forever funding and shall ensure that  
 594 each proposed project meets the requirements of s. 28, Art. X of  
 595 the State Constitution. The council also shall determine whether  
 596 the project conforms, where applicable, with the comprehensive  
 597 plan developed pursuant to s. 259.04(1)(a), the comprehensive  
 598 multipurpose outdoor recreation plan developed pursuant to s.  
 599 375.021, the state lands management plan adopted pursuant to s.  
 600 253.03(7), the water resources work plans developed pursuant to

601 s. 373.199, and the provisions of s. 259.032, s. 259.101, or s.  
 602 259.105, whichever is applicable.

603 Section 5. Subsection (7) of section 380.510, Florida  
 604 Statutes, is amended to read:

605 380.510 Conditions of grants and loans.—

606 (7) Any funds received by the trust pursuant to s.  
 607 259.105(3)(b) ~~259.105(3)(e)~~ or s. 375.041 shall be held separate  
 608 and apart from any other funds held by the trust and used for  
 609 the land acquisition purposes of this part.

610 (a) The administration and use of Florida Forever funds  
 611 are subject to such terms and conditions imposed thereon by the  
 612 agency of the state responsible for the bonds, the proceeds of  
 613 which are deposited into the Florida Forever Trust Fund,  
 614 including restrictions imposed to ensure that the interest on  
 615 any such bonds issued by the state as tax-exempt bonds is not  
 616 included in the gross income of the holders of such bonds for  
 617 federal income tax purposes.

618 (b) All deeds or leases with respect to any real property  
 619 acquired with funds received by the trust from the former  
 620 Preservation 2000 Trust Fund, the Florida Forever Trust Fund, or  
 621 the Land Acquisition Trust Fund must contain such covenants and  
 622 restrictions as are sufficient to ensure that the use of such  
 623 real property at all times complies with s. 375.051 and s. 9,  
 624 Art. XII of the State Constitution. Each deed or lease with  
 625 respect to any real property acquired with funds received by the

626 trust from the Florida Forever Trust Fund before July 1, 2015,  
 627 must contain covenants and restrictions sufficient to ensure  
 628 that the use of such real property at all times complies with s.  
 629 11(e), Art. VII of the State Constitution. Each deed or lease  
 630 with respect to any real property acquired with funds received  
 631 by the trust from the Florida Forever Trust Fund after July 1,  
 632 2015, must contain covenants and restrictions sufficient to  
 633 ensure that the use of such real property at all times complies  
 634 with s. 28, Art. X of the State Constitution. Each deed or lease  
 635 must contain a reversion, conveyance, or termination clause that  
 636 vests title in the Board of Trustees of the Internal Improvement  
 637 Trust Fund if any of the covenants or restrictions are violated  
 638 by the titleholder or leaseholder or by some third party with  
 639 the knowledge of the titleholder or leaseholder.

640 Section 6. Paragraph (d) of subsection (1) of section  
 641 570.715, Florida Statutes, is amended to read:

642 570.715 Conservation easement acquisition procedures.—

643 (1) For less than fee simple acquisitions pursuant to s.  
 644 570.71, the Department of Agriculture and Consumer Services  
 645 shall comply with the following acquisition procedures:

646 (d) On behalf of the board of trustees and before the  
 647 appraisal of parcels approved for purchase under ss.  
 648 259.105(3)(c) ~~259.105(3)(i)~~ and 570.71, the department may enter  
 649 into option contracts to buy less than fee simple interest in  
 650 such parcels. Any such option contract shall state that the

651 final purchase price is subject to approval by the board of  
652 trustees and that the final purchase price may not exceed the  
653 maximum offer authorized by law. Any such option contract  
654 presented to the board of trustees for final purchase price  
655 approval shall explicitly state that payment of the final  
656 purchase price is subject to an appropriation by the  
657 Legislature. The consideration for any such option contract may  
658 not exceed \$1,000 or 0.01 percent of the estimate by the  
659 department of the value of the parcel, whichever amount is  
660 greater.

661 Section 7. This act shall take effect July 1, 2017.